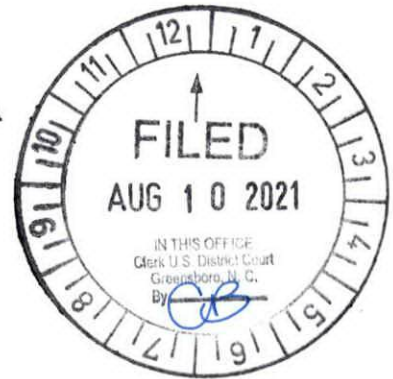


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



VALERIE ARROYO, DEREK OLIVARIA*

Plaintiff(s)

V

SOUTHWOOD REALTY COMPANY, et al,

Defendant(s)

Case# 21CV219

**PLAINTIFFS' MOTION FOR RELIEF
FRCP RULE 60**

NOW COMES, the Plaintiffs' Valerie Arroyo and Derek Olivaria, respectfully submitted this motion for relief under Rule 60, of the Federal Rules of the Civil Procedures. In support, the Plaintiffs' may show this court the following:

1. On July 30, 2021, an interlocutory sua sponte order entered to dismissing this matter by United States District Judge Catherine Eagles under Rule 12 (b) (1) and (1), without any certificate of service by any clerk of court. No separate document or entry of judgment by any clerk of court pursuing to Rule 58 (a) of the Federal Rules of the Civil Procedures.

2. This order is unjust, improper and violates the Federal Rules of Civil Procedures Act, Civil Rights Act, the Act of Congress, Constitutional and Statutory laws of the United States of America

3. Pursuing to the law, this court refuse to serve the Plaintiffs' with the Magistrate Report and Recommendation, the Magistrate never review any evidence, this Court served an order that is unjust and improper as a matter of the law; the Plaintiffs' files their objections timely, without any appearance, hearing or oral argument, no opportunity to present the case, or present any evidence during any trial de novo proceeding. This Court refuse and prevented this case from being presented to a jury pursuant to Rule 38 of the Federal Rules of the Civil Procedures.

4. This court fails to allow the Plaintiffs' their right under the due process act; no opportunity to present their case, evidence or be heard by a jury, which violates the Constitution and Bill of Rights of the Amendments under the United States of America.

5. This court order affects the substantial rights of the Plaintiffs' prevent the plaintiffs' opportunity to seek justice and relief by Defendant's who actions cause injures to innocent parties, and this court order is a violation of the matter of the law.

6. Pursuing to Rule 60 (b), this court has the authority to vacate this order due to the Plaintiffs' has a right to receive a fair, just, expensive resolution as a matter of law under the Constitution, without any prejudice or abuse by this Court.

7. Pursuant to the matter of the law, this Court has jurisdiction to hear cases under violation of civil rights, state law cases, due process act violation, victim's right act, and violation of National Disability Act; this court has the authority and jurisdiction to allow this case to proceed to the discovery process; without any prejudice

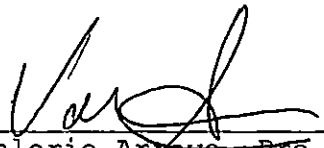
or delays. This Court issued an order to dismiss but states the complaint does not state a claim for relief, which relief can be granted but the statutory laws, act of congress states otherwise.

8. Under trial de novo, the Plaintiffs' has right to appear, review and present evidence, depose all witness, and receive oral arguments by this Court without any delay, prejudice or conflict of interest. This order needs to be vacate as a matter of law, if not, it would show that this Court can abuse its discretion, which deprives the color of the law; violates the constitution, federal and statutory laws, act of congress and causes the plaintiff's more delays and injuries.

WHEREFORE, the Plaintiffs' prays this Court the followings:

- I. Enter an order to vacate the order entered on July 30, 2021, dismissing this matter by Judge Eagles
- II. Enter an final judgment in favor of the Plaintiffs' due to they are entitled to a judgment under Rule 54, of the Federal Civil Rules and Procedures.
- III. Enter an order taxing all defendants for all court cost and fees in this matter
- IV. Enter an order for any other relief that this court find just and proper as a matter of law.

Respectfully submitted on August 06, 2021


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Phone# 704-506-1526

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing Plaintiff(s) Motion of Relief served by 1st class mail upon the Attorney General Office for all defendant(s) through the United States Postal Service.

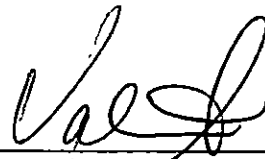
JOSH STEIN, Attorney General

North Caroling Department of Justice

114 W. Edenton Street

Raleigh NC 27603

This 06 day of August 2021



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